

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
May 12, 2009
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Wedel, Trustees Tony Carey, Gerry Pfirsch, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Clerk Nanette Fornof, Town Attorney Rick Samson, Planning Director Jennifer Simmons, Engineering Director Dick Leffler and Assistant to Town Administrator Jordan Eichem. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00 p.m.; role call was taken prior to the Executive Session and all Trustees were present, except Trustee Liberta Hattel who had an excused absence.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA There were no additions or deletions to the agenda.

PUBLIC COMMENT

Carbon Valley Recreation District Quarterly Update Renee Witty, Carbon Valley Recreation District updated the Board with the first quarter numbers of participants in the District's youth and senior activities and events offered. The Board received a copy of the first quarter financial report.

Sue Knox, Open Range Communication introduced herself to the Board and provided information about what type of business Open Range Communication performs.

STAFF REPORTS

Administrative Report Town Administrator Derek Todd provided the Board with the Administrative Report which highlighted the following items: Municipal Home Rule, Upcoming Community Events (Fishing Clinic, Spring Community Clean-Up Day, Relay for Life Event at Frederick High School, and Fall Community Clean-up Day), Third Grade Tours and Upcoming Board of Trustees Work Sessions. The Engineering Department provided information about the Northern Integrated Supply Project and Storm Water Utility Billing. The Finance and Human Resources Department provided information about the Annual Financial Audit, Insurance Issues and Recruitment Updates. The Planning Department provided information about the Downtown Development Study. The Police Department provided information about the Community Safety Day and Grant Award.

Town Attorney Report Town Attorney, Rick Samson, provided the Board of Trustees with a written Status Report. Attorney Samson indicated the Steele Dimension

litigation was dismissed and is currently in the appeal time frame; SMT litigation is at the Court of Appeals regarding attorney fees and Samson's office has submitted the fees related to the Town of Erie/Town of Frederick litigation to the court. A written report regarding the status on the Oil and Gas fees was provided to the Board.

ACTION AGENDA

AM 2009-041, To Consider a License Agreement with the Boulder Weld Ditch Company at the Bulrush Wetlands In developing the Bulrush Wetlands as a park, agreements are required to formalize the use of the ditch easement with the Boulder Weld Ditch Company. The Ditch Company has a prescriptive right to access and conduct maintenance activities for their ditch, and may place spoils along the travel way of the ditch. Placement of ditch spoils is not typically conducted in a careful manner and could result in unintentionally filling the wetland. The Town of Frederick needs to insure that the wetlands are maintained in accordance with the wetland charter and insure that no adverse impacts result from the ditch company or other maintenance activities. Currently the easement is undefined. Motion by Trustee Wollack, to approve Resolution 09R018, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING AN AGREEMENT WITH THE BOULDER WELD DITCH COMPANY AS TO MAINTENANCE OF IRRIGATION AND DRAINAGE WATERS PASSING THROUGH BULRUSH WETLANDS, Trustee Schiers seconded the motion and motion carried with Trustee Pfirsch voting "nay" to the motion.

AM 2009-042, To Consider a Request for a Waiver from Section 2.18.6.c(1) of the Land Use Code Regarding Architectural Standards in the Industrial Zoning District The Town received a request for a waiver from Article 2, Section 18.6.c(1) regarding architectural standards in the Industrial zoning district. The requirement establishes that metal shall not comprise more than twenty-five (25%) of the exterior building finish material on walls of industrial buildings. The applicant's, U.S. Engineering's, overall site will consist of three distinct buildings; an office building consisting of 27,650 total square feet of non-metallic material; the warehouse consists of 14,758 total square feet of which 11,840 is metal and the fabrication shop consists of 19,072 total square feet of which 15,072 will be metal. The overall site plan shows a total of 61,480 square feet of wall area of which less than 50% is metal. Town staff indicated the applicant was looking at the amount of exposed metal that will be visible from adjacent roadways and adjacent properties. If the waiver is granted, the applicant is committed to meet the other requirements of the site, which include buffering and screening of the property. Motion by Trustee Wollack to approve Resolution 09R019, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING A WAIVER FROM THE LAND USE CODE REQUIREMENT LIMITING THE AMOUNT OF EXPOSED METAL OF THE EXTERIOR OF INDUSTRIAL BUILDINGS AT THE U.S. ENGINEERING SITE IN EAGLE BUSINESS PARK, Trustee Carey seconded the motion and motion carried unanimously.

AM 2009-043, To Consider an Update to the Frederick Municipal Code Regarding Utility Fee Collection Practices The Town of Frederick has added solid waste and storm water drainage billing to the monthly statement that goes out to the Town's

customers. The proposed ordinance will clarify that the utilities, would be listed separately, will be considered one debt. The proposed ordinance will set the application order for payments applied to the debt. If the utility bill is not paid, the proposed ordinance would allow the Town to rectify the unpaid charges by four separate remedies. Motion by Mayor Pro Tem Wedel to direct the Town Attorney to review the proposed ordinance and make appropriate changes to reflect the Board discussion; Ordinance #999, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING THE TOWN OF FREDERICK MUNICIPAL CODE, 1992 THROUGH ADOPTION OF REVISED TOWN UTILITY FEE COLLECTION PRACTICES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, Trustee Pfirsch seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Carey to approve the Consent Agenda with the following item; Approval of the April 28, 2009, Regular Meeting Minutes, motion was then seconded by Trustee Schiers, motion carried unanimously.

Approval of the List of Warrants for May 12, 2009 Motion by Trustee Carey to approve the list of warrants with the following addition; Samson, Pipis and Marsh, \$17394.80, Trustee Wollack seconded the motion and motion carried unanimously.

MAYOR AND BOARD REPORTS

Trustee Carey had nothing new to report.

Trustee Pfirsch made comment about code enforcement for “weeds” and attending the DRCOG meeting next week.

Trustee Schiers had nothing new to report.

Mayor Pro Tem Wedel inquired about the University Scholarship presentation, press release for mosquito spraying, her vacation and graduation, Memorial weekend.

Trustee Wollack made comment about the Single Source Trash program and how it is performing.

Mayor Doering made comment about the St. Vrain Valley School District decision on where the new Frederick High School should be located, the St. Vrain Sanitation District Ribbon Cutting Ceremony, EQM business adventure and the next work session to be held in May.

There being no further discussion, Mayor Doering closed the regular meeting at 9:05p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor